# DSS Strong Families - South Dakota's Foundation and Our Future

For more information, please contact:

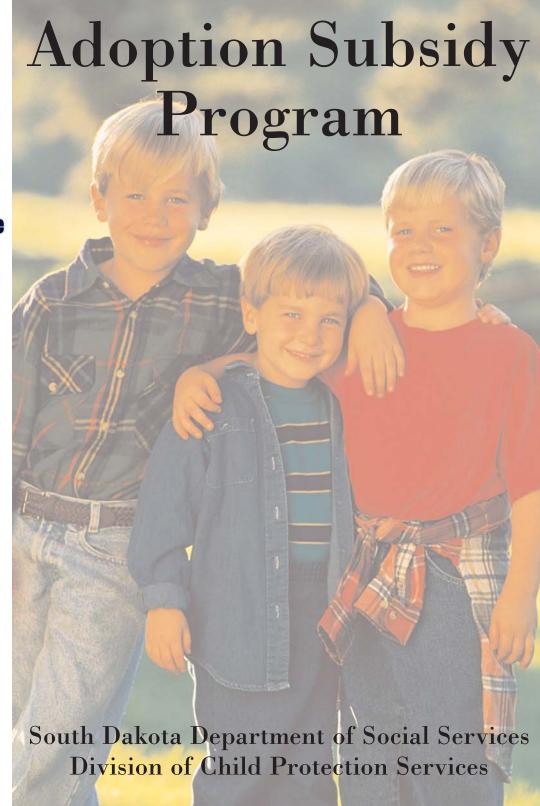
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### **DEPARTMENT OF SOCIAL SERVICES' OFFICES**

**Aberdeen** (626-2388): 422 S. Washington, PO Box 1300, 57402-1300

**Belle Fourche** (892-2731): 609 5th Ave., 57717-1405

Brookings (688-4334): 1310 S. Main Ave. S., Suite 101, 57006-3893

Chamberlain (734-4500): 300 Sorensen Dr., 57325-1022

Custer (673-4347): 1164 Mt. Rushmore Rd. #3, 57730-2133

Deadwood (578-2402): 20 Cliff St., PO Box 607, 57732-0607

**Hot Springs** (745-5100): 2500 Minnekahta, PO Box 729, 57747-0729

**Huron** (353-7100): 110 3rd St. SW, Ste. 200, 57350-2450

Lake Andes (487-7607): 3rd & Lake, PO Box 190, 57356-0190

Martin (685-6521): 404 3rd Ave., PO Box 250, 57551-0250

Mission (856-4489): 671 N. Marge Lane, PO Box 818, 57555-0818

Mitchell (995-8000): 116 E. 11th Ave., 57301-1432

Mobridge (845-2922): 920 6th St. W., PO Box 160, 57601-0160

**Pierre** (773-3521): 912 E. Sioux, 57501-3940

**Pine Ridge** (867-2236): Planning Ctr. Bldg., PO Box 279, 57770-0279

Rapid City (394-2525): 510 N. Cambell, PO Box 2440, 57709-2440

Sioux Falls (367-5444): 811 E. 10th St., Dept. 3, 57103-1650

Sisseton Wahpeton Dakota Nation (698-3992 or

1-800 568-0004): Agency Village, PO Box 509, 57262

**Sturgis** (347-2559): 2200 W. Main St., 57785-1338

**Vermillion** (677-6800): 114 Market St., PO Box 516, 57069-0516

Watertown (882-5050): 2001 9th Ave. SW, Ste. 300, PO Box 670, 57201-0670

Winner (842-0400): 649 W. 2nd St., PO Box 31, 57580-0031

Yankton (668-3030): 3113 N. Spruce, Suite, 200, 57078-5320

## **NOTES**

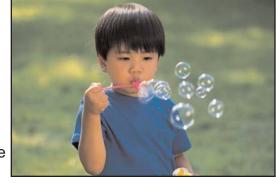

#### 67:14:14:11. RESPONSIBILITIES OF PLACING AGENCY AFTER SUBSIDY AGREEMENT COMPLETED.

The agency which placed the child for adoption is designated as the representative of the department. It has the responsibility to report promptly to the department any changes in the condition of the child or the adoptive parents which could affect the terms of the subsidy agreement. By written agreement between the department and the placing agency, when placement is not made by the department, the department shall assume direct responsibility for ascertaining continuing eligibility for the adoption subsidy.

#### 67:14:14:12. RESPONSIBILITIES OF THE ADOPTIVE PARENTS TO SUBSTANTIATE CONTINUING SUBSIDY ELIGIBILITY.

The adoptive parents shall notify the department or the placement agency representing the department within thirty days of any change of address; change in the child's needs;

the child's death. marriage, or removal from the home; the child's full employment or military service; or receipt of any benefits for the child's support which was not being received at the time the agreement was



completed. They shall provide or permit medical substantiation for the child's continuing eligibility for medically related subsidy. They shall supply information about their financial situation, as requested, to indicate if the subsidy continues to be needed. They shall participate in interviews upon the request of the department or its representative by admitting representatives of the department for scheduled home visits.

## ADOPTION SUBSIDY PROGRAM

Subsidy is intended to help children with their greatest "social needs," the need for a permanent family.

Adoption Subsidy is a program helping to support children in adoptive situations by providing monthly Medicaid and/or financial assistance. A child is considered eligible for subsidized adoption under the following circumstances.

- 1. When the legal authority to place and to consent to the child's adoption is held by the department.
- 2. When the special needs and circumstances of the child result in a limited number of suitable adoptive homes being available, necessitating the use of a subsidized adoptive home. Special needs and circumstances include:
  - a. a child's age, race, or religion;
  - b. a child with a physical, emotional, neurological, or intellectual handicap or problem;
  - c. a sibling group that needs to be placed together;
  - d. a child needing a prosthesis, extensive ongoing or anticipated medical care, or therapy for speech, physical, or psychological problems; and
  - e. when adoption by the foster parent(s) with whom the child is living is the only appropriate plan.

With the exception of foster parent(s) adopting the foster child, an effort to place without subsidy must be documented before a subsidy is approved.

Children in any of the above situations may be eligible for financial assistance in an amount up to the current standard basic foster care rate. A child's benefits from other sources, such as SSI or Social Security, will affect the amount of subsidy. Medicaid will also be provided.

The general subsidy program serves only public agency adoption. A nonrecurring program is available to families who adopt a specialneeds child. Nonrecurring expenses include attorney fees, court costs, transportation, adoptive home study fee and other expenses directly related to finalizing the adoption.

## **QUESTIONS AND ANSWERS**

## Q. Who may apply for subsidy?

A. Persons interested in adopting a child who is under the care of public agencies may apply for adoption subsidy.

### Q. When can a subsidy be received?

A. Upon placement for adoption.

#### Q. How long can the subsidy continue?

A. Subsidy may continue until the child is 18 years old or longer if the individual is living at home and enrolled in and regularly attending high school.

# Q. Must the child remain in South Dakota to receive subsidy?

A. No. Subsidy can be paid regardless of where the child and the adoptive parent(s) live. However, services covered by Medicaid may vary from state to state.

## Q. What if the child is receiving benefits such as SSI, SSA, VA, Railroad or other beneficiary payments?

A. After the finalization of the adoption, the parent(s) may apply directly to the benefit source and receive the benefits. When the amount of the adoption subsidy payment is negotiated, these additional resources are considered.

## Q. If the child starts to receive benefits after the adoptive placement, must they be reported?

A. Yes, as such benefits might change the amount of subsidy or Medicaid coverage for which the child is eligible.

## Q. What if the adoptive parent(s) has health and medical insurance?

A. The adoptive parent's insurance must be used if the child can be covered through his/her insurance company.

Medicaid may be used if the insurance company pays below the Medicaid allowable and the service falls within the scope of the Medicaid program.

## 67:14:14:07. ADOPTION SUBSIDY AGREEMENT REQUIRED.

There shall be a signed agreement for subsidized adoption between the department and the adoptive parents. An agreement shall be completed before the adoption decree. No adoptive subsidy payment shall be made before an agreement is completed. The agreement shall define the responsibilities of the parties to the agreement, the payment the department will make, the basis for amendment or termination of the agreement, and the effective date of the agreement.

#### 67:14:14:08. TERMINATION OF SUBSIDY AGREEMENTS.

The department may terminate an adoption subsidy agreement upon 60 days written notice to the adoptive parents by certified mail if:

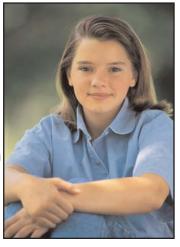
- 1. Adoptive parents fail to complete legal adoption within two years after the effective date of subsidy payment;
- 2. The subsidy is no longer needed and this fact is determined by the department;
- The child is receiving benefits from another source, except that continuation of a subsidy may be permitted for such amounts and items not covered under the benefits received; or
- 4. Legal or legislative action suspends the authority of the department to continue adoption subsidies.

## 67:14:14:10. MODIFICATION, AMENDMENT, RESCISSION, OR CANCELLATION OF SUBSIDY AGREEMENT.

The subsidy agreement may be modified, amended, rescinded, or canceled at any time in writing by mutual agreement of the adoptive parents and the department. An oral modification shall have no effect.

3. Special nonmedical subsidies: These cover costs which are incidental to the care of the child. These may include special or remedial training or education relating to the child's medical treatment or condition, psychological testing, psychiatric treatment, and special education relating to the child's emotional and intellectual problems

known before completion of legal adoption; transportation expense for the child to obtain authorized medical services, special education services, and remedial psychological services; expense for a parent to take a child for medical treatment when the facility is remote from the location of the adoptive home; and training for the adoptive parents related to their providing special care or training for the child.



#### 67:14:14:05. AMOUNT OF SUBSIDY.

The amount of the maintenance, medical, or special subsidy shall be flexible according to the needs and circumstances of both the adoptive family and the child. The family's income, resources, and obligations shall be considered in determining the amount of the subsidy.

No subsidy shall be authorized for, or paid to, an adoptive family eligible for benefits under the family's medical insurance; supplemental security income; Title XIX funds for the child of a TANF family; vocational rehabilitation funds; public health program funds such as crippled children's services, old age survivors insurance or veterans administration grants from either the biological or adoptive parents; or funds for the child from any other source. A maintenance subsidy shall not exceed the basic foster care rates paid on behalf of a child in foster boarding care. A

medical subsidy shall follow the medical services program

of the department.

- Q. If the parent(s) elects not to apply for subsidy before the adoption is finalized, can they apply later if there is a change in the child's condition, health, etc.?
- A. No. Federal regulations do not allow a subsidy to be written after the adoption is finalized.
- Q. Is there ever a review of the need for adoption subsidy?
- A. No. The subsidy is written until the child's 18th birthday.
- Q. Must changes be reported at any other time?
- A. Yes. Changes in circumstances such as changes of address, benefits being received by the child, or the child leaving the adopted home should be reported as they occur.
- Q. If a service is offered from another source in the community, must it be used?
- A. If the service is appropriate to meet the child's needs, it must be used. Such services may include speech therapy or tutoring from the public schools, Indian Health Services, etc.
- Q. If insurance or community resources now meet the child's needs, is there any reason to apply for subsidy?
- A. Applications may be made for subsidy to cover the child in case the insurance or community resources become unavailable at a later date.
- Q. Are the payments made to the parent(s) or directly to a professional?
- A. The monthly check is paid directly to the adoptive parent(s). Medicaid is paid to eligible vendors after the service is given.
- Q. Who can the adoptive parents contact when they have questions or need to report changes?
- A. Changes should be reported in writing or by telephone to the South Dakota Department of Social Services.

<sup>\*</sup>Contact information is listed on the back of this handbook.

# SD ADMINISTRATIVE RULES CHAPTER 67:14:14 SUBSIDIZED ADOPTION

## SECTION

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#### 67:14:14:01. DEFINITION OF SUBSIDIZED ADOPTION.

Subsidized adoption through the department is an adoption plan in which the department accepts partial financial responsibility for a child after the child's legal adoption has been consummated.

#### 67:14:14:02. ELIGIBILITY CRITERIA FOR CHILD.

A child is considered eligible for subsidized adoption under the following circumstances:

- 1. When the legal authority to place and to consent to the child's adoption is held by the department or by a South Dakota licensed voluntary child placement agency;
- 2. If the child was not adopted under a subsidized adoption agreement, the child would need to be supported by public
- 4 foster care funds administered by the department; or

- 3. When special needs and circumstances of the child result in a limited number of suitable adoptive homes being available necessitating the use of a subsidized adoptive home. The special needs and circumstances include:
  - a. a child's age, race, or religion;
  - b. a child with a physical, emotional, neurological, or intellectual handicap or problem;
  - c. a sibling group that needs to be placed together;
  - d. a child needing a prosthesis, extensive ongoing or anticipated medical care, or therapy for speech, physical, or psychological problems; and
  - e. when adoption by the foster parents with whom the child is living is the only appropriate plan.

## 67:14:14:03. ELIGIBILITY CRITERIA FOR ADOPTIVE FAMILY.

The adoptive family shall be approved for subsidized adoptive placement by the department. The family shall meet all regulations of the agency for adoptive parenthood except for the ability to assume full financial responsibility for the child.

#### 67:14:14:04. TYPES OF SUBSIDY.

The following types of subsidies are available to adoptive families:

- 1. Maintenance subsidy: A monthly payment to the adoptive family to help meet the cost of the every day needs of the child. It may be made for a limited time or for a long time.
- 2. Title XIX medical and surgical subsidies: Title XIX medical and surgical subsidies may be used for a preexisting physical or dental condition known at or before completion of legal adoption. The medical services may include physician services, hospital charges, drugs, or a prosthesis. Title XIX medical will pay only when there is no other insurance benefits available for the adopted child. Costs outside of Title XIX coverage shall be specifically spelled out in the subsidy agreement; and